

REMARKS

The present Amendment amends claims 7, and 22-25, cancels claims 9, 11, and 26 and adds new claim 27. Therefore, the present application has pending claims 7, 22-25 and 27.

Claim 26 stands rejected under 35 USC §101 as allegedly being directed to non-statutory subject matter. Particularly, the Examiner alleges that claim 26 is merely a recording medium storing a program or script and thus is a program per se. Applicants do not agree with this rejection being that claim 26 specifically recites that the recording medium comprises a program or script which when executed causes particular operations to be performed by the broadcast apparatus. Thus, claim 26 is directed to an article of manufacture having a "computer implemented" invention as permitted under 35 USC §101. However, as noted above, claim 26 was canceled. Therefore, this rejection is rendered moot. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 9, 11 and 22-25 stand rejected under 35 USC §103(a) as being unpatentable over Olivo (U.S. Patent No. 5,172,111) in view of Shimoji (U.S. Patent Application Publication No. 2004/0088739); claim 7 stands rejected under 35 USC §103(a) as being unpatentable over Olivo and Shimoji in view of Russo (U.S. Patent No. 5,701,383); and claim 26 stands rejected under 35 USC §103(a) as being unpatentable over Portuesi (U.S. Patent No. 5,774,666) in view of Shimoji. As indicated above, claims 9, 11 and 26 were canceled. Therefore, the 35 USC §103(a) rejection of claims 9 and 11 as being unpatentable over Olivo in view of Shimoji as well as the 35 USC

§103(a) rejection of claim 26 as being unpatentable over Portuesi in view of Shimoji are rendered moot. Accordingly, reconsideration and withdrawal of these rejections with respect to claims 9, 11 and 26 is respectfully requested.

With respect to the remaining claims, particularly the 35 USC §103(a) rejection of claims 22-25 as being unpatentable over Olivo in view of Shimoji and the 35 USC §103(a) rejection of claim 7 as being unpatentable over Olivo and Shimoji in view of Russo, these rejections are traversed for the following reasons. Applicants submit that the features of the present invention as now more clearly recited in claims 7 and 22-25 are not taught or suggested by Olivo, Shimoji or Russo whether taken individually or in combination with each other as suggested by the Examiner. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw these rejections.

Amendments were made to claims 22-25 to place them in independent form including all the limitations of the base claim and any intervening claims and amendments were made to claim 7 to make it dependent from claim 22. Thus, the present invention as recited in the claims now more clearly recite that the playback of video and audio data of broadcast information is started and continues until it is stopped according to a predetermined start timing of playing auxiliary information so as to permit the playback of the auxiliary information which is generated due to execution of the program or script.

According to the present invention if the program or script has not been executed within a predetermined period of time as measured from a time when execution of the program or script is started, then execution of the program or script is canceled.

Further, according to the present invention, playback of the video and audio data stored in the storage is resumed from a point succeeding the predetermined start timing after execution of the program or the script is canceled or playback of the video and audio data stored in the storage is resumed from a point succeeding playback of the data generated by execution of the program or the script.

The above described features of the present invention now more clearly recited in the claims are not taught or suggested by any of the references of record whether taken individually or in combination with each other. Particularly, the above described features of the present invention as now more clearly recited in the claims are not taught or suggested by Olivo, Shimoji or Russo whether taken individually or in combination with each other as suggested by the Examiner.

Numerous arguments were presented in the Remarks of the September 12, 2005 Amendment distinguishing the features of the present invention as recited in claims 7 and 22-25 from the references of record particularly Olivo, Shimoji and Russo. The Remarks of said September 12, 2005 Amendment are incorporated herein by reference.

In addition to the features of the present invention that were shown as not being taught or suggested by Olivo, Shimoji and Russo in the Remarks of the September 12, 2005 Amendment, numerous other features as now recited in the claims are also not taught or suggested by Olivo, Shimoji or Russo whether taken individually or in combination with each other as suggested by the Examiner.

For example, each of Olivo, Shimoji and Russo do not provide any teaching whatsoever as to the particular point where to resume playback of the program data let alone resuming the program data from the predetermined start timing after execution of the program data has been canceled as in the present invention as recited in the claims. As noted above, each of claims 7 and 22-25 clearly recite that the step of playing back the video and audio data stored in the storage is resumed from a point succeeding the predetermined start timing after execution of the program or the script is canceled or that the step of playing back the video and audio data stored in the storage is resumed from a point succeeding playback of the data generated by execution of the program or the script. No such teaching can be found at any point in either of the references, Olivo, Shimoji and Russo, whether said references are taken individually or in combination with each other.

Thus, each of Olivo, Shimoji and Russo fails to teach or suggest resuming the step of playing back the video and audio data stored in the storage from a point succeeding the predetermined start timing after execution of the program or script is canceled as recited in the claims.

Further, each of Olivo, Shimoji and Russo fails to teach or suggest resuming the step of playing back the video and audio data stored in the storage from a point succeeding playback of the data generated by execution of the program or the script as recited in the claims.

Therefore, since each of Olivo, Shimoji and Russo fails to teach or suggest the features of the present invention as now more clearly recited in claims 7 and 22-25, combining Olivo with one or more of Shimoji and Russo

does not render obvious the features of the present invention as recited in claims 7 and 22-25. Accordingly, reconsideration and withdrawal of the 35 USC §103(a) rejections of claims 7 and 22-25 as being unpatentable over Olivo in combination with one or more of Shimoji and Russo is respectfully requested.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 7 and 22-25.

As indicated above, the present Amendment adds new claim 27. New claim 27 depends from claim 23 and as such recites many of the same features recited in claims 7 and 22-25 shown above not to be taught or suggested by any of the references of record, particularly Olivo, Shimoji or Russo, whether taken individually or in combination with each other. Therefore, the same arguments presented above with respect to the use of Olivo, Shimoji and Russo to reject claims 7 and 22-25 apply as well to the potential use of Olivo, Shimoji and Russo to reject new claim 27.

In view of the foregoing amendments and remarks, applicants submit that claims 7, 22-25 and 27 are in condition for allowance. Accordingly, early allowance of claims 7, 22-25 and 27 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (501.37519X00).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

A handwritten signature in black ink, appearing to be 'C. Brundidge', written over a horizontal line.

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